

Date signed August 01, 2007



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

In Re: James Albert DeMino, Sr., Debtor.	Case No. 06-17116PM Chapter 13
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MEMORANDUM OF DECISION

This came before the court on the debtor's counsel's motion to vacate this court's order entered May 24, 2007, limiting counsel's total fees to \$3,500.00, with \$755.00 payable by the Chapter 13 Trustee to counsel from the estate as of confirmation of debtor's plan with the balance to be paid at the rate of \$100.00 per month. The matter came on for hearing before this court on July 31, 2007.

The debtor's plan provides for the payment of \$6,800.00 over five years. As drafted by counsel, the first \$2,995.00 paid under the plan, minus the Chapter 13 Trustee's commission, was to be paid to counsel. Following this payment, the arrearage on the automobile loan, said to be the cornerstone of the debtor's plan, would be paid. The court was uncertain as to the breadth of the exclusion of services covered; although, that matter was clarified at the time of the hearing.

Since counsel has undertaken to represent the debtor, particularly at the time when the Chapter 13 Trustee will move for modification of the plan upon repayment of the loan owed to Capitol One Auto Finance, the court will reconsider its earlier order entered July 24, 2007, and vacate same.

An appropriate order will be entered.

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End of Memorandum of Decision